

CUYAHOGA COUNTY
OFFICE OF FISCAL OFFICER - 6
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FIFTH SUPPLEMENTAL AMENDMENT TO THE
MASTER DECLARATION OF COVENANTS,
CONDITIONS, EASEMENTS AND RESTRICTIONS
OF
MACINTOSH FARMS, A PLANNED RESIDENTIAL COMMUNITY

PLEASE CROSS MARGINAL REFERENCE WITH THE MASTER
DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS AND
RESTRICTIONS OF MACINTOSH FARMS RECORDED AT VOLUME 86-4890,
PAGE 60 ET SEQ. OF THE CUYAHOGA COUNTY RECORDS.

FIFTH SUPPLEMENTAL AMENDMENT TO THE
MASTER DECLARATION OF COVENANTS, CONDITIONS, EASEMENTS
AND RESTRICTIONS OF MACINTOSH FARMS, A PLANNED RESIDENTIAL
COMMUNITY

THIS FIFTH SUPPLEMENT TO MASTER DECLARATION ("Amendment") made as of the _____ day of _____, 2011 by MACINTOSH DEVELOPMENT CORPORATION (the "Declarant"), an Ohio corporation, and the Board of Directors (the "Board"), of MACINTOSH FARMS COMMUNITY ASSOCIATION, INC. (the "Master Association").

PREAMBLE

A. On August 6, 1986, Zaremba/MacIntosh Co: (aka Zarembar-MacIntosh Co.), an Ohio corporation (the "Original Declarant") caused a document entitled *Master Declaration of Covenants, Conditions, Easements and Restrictions of MacIntosh Farms, a Planned Residential Community* (the "Master Declaration"), to be recorded in Volume 86-4890, Page 60, *et seq.*, of Cuyahoga County Records, submitting Property to be governed by the Master Declaration. Unless otherwise expressly provided herein, the capitalized terms used herein shall have the same meaning as defined in the Master Declaration.

B. On July 7, 1989, the Original Declarant caused a document entitled *First Supplement to the Master Declaration of Covenants, Conditions, Easements and Restrictions of MacIntosh Farms Planned Residential Community* to be recorded in Volume 89-3325, Page 26, *et seq.*, of Cuyahoga County Records, amending the legal descriptions set forth in *Exhibit "D"* of the Master Declaration.

C. On February 6, 1995, the Original Declarant caused a document entitled *Designation of Successor Declarant* be recorded in Volume 95-00859, Page 6, *et seq.*, of Cuyahoga County Records, designating Declarant as a Successor Declarant with its rights under the Master Declaration.

D. On April 27, 1995 the Declarant caused a document entitled *Second Supplement to Master Declaration of Covenants, Conditions, Easements and Restrictions of MacIntosh Farms, a Planned Residential Community* to be recorded in Volume 95-03067, Page 11, *et seq.*, of Cuyahoga County Records,

supplementing the Master Declaration with the addition of Section 7.23 entitled "*Notice With Respect to Use of North MacIntosh Lane for Construction Traffic.*"

E. On May 18, 2001 the Declarant caused a document entitled *Subsequent Amendment No. 3 to Master Declaration of Covenants, Conditions, Easements and Restrictions of MacIntosh Farms, A Planned Residential Community, Deleting a Parcel of the Real Estate Containing Approximately 310 Acres from the Operation of the Master Declaration* to be recorded as Instrument No. 200105180666 of Cuyahoga County Records, deleting a parcel of real estate containing approximately 310 acres from the operation of the Master Declaration.

F. On March 21, 2008 the Declarant caused a document entitled *Fourth Supplemental to Master Declaration of Covenants, Conditions, Easements and Restrictions of MacIntosh Farms, A Planned Residential Community* to be recorded as Instrument No. 200803210145 of Cuyahoga County Records, modifying Section 7.6 of the Master Declaration, entitled "*Storage of Vehicles and Machinery*" and supplementing the Master Declaration with the addition of Section 7.24 entitled "*Swimming Pool Restrictions*".

WHEREAS, pursuant to Section 15.11(a) of Article XV of the Master Declaration, the Declarant is an Owner of a fee simple interest in the Total Property as defined in the Master Declaration, and the Declarant and the Board desire to amend Section 7.6 of the Master Declaration, entitled "*Signs*", as provided herein. The Declarant and the Board desire to so amend the Master Declaration, as in their judgment, the purposes of the general plan of the development of the Dwelling Units will be better served by such modification, and have determined that such modification will not materially and adversely affect the value of the existing Dwelling Units and will not prevent a Dwelling Unit from being used by the Owner in the same manner that said Dwelling Unit was used prior to the adoption of this Amendment.

NOW, THEREFORE, pursuant to Section 15.11(a) of the Master Declaration, the undersigned hereby declares that the Master Declaration be and hereby is amended as follows:

1. The Preamble is incorporated in and made a part of this Amendment.
2. Section 7.6 of the Master Declaration is modified as follows: (deleted language is struck through; new language is underlined)

Section 7.6 – Signs.

No sign or other advertising device of any nature shall be placed upon any portion of the Property except for signs and advertising devices installed by or at the direction of the Design Review Committee, or which the Design Review Committee approves as to color, location, nature, size and similar characteristics, except that one professionally prepared “For Sale” sign, not to exceed 3’ x 5’, shall be permitted in one window of a Dwelling Unit and one professionally prepared “For Sale” sign, not to exceed 3’ x 5’, shall be permitted in the front yard of a single family detached home without the approval of the Design Review Committee and as further restricted below.

The one (1) customary, professional “For Sale” sign shall not to exceed 3’ wide x 5’ high as installed above ground, including the frame or post and hardware, and which may include one customary, professional display box or tube for information about the Dwelling Unit. The Design Review Committee or Board shall have the authority to determine if a “For Sale” sign and/or display box or tube is customary and/or professional and to adopt Rules to further define and clarify, but not prohibit, the provision on “For Sale” signs, including, without limitation, the permitted appearance or placement location of such signs.

Any conflict between this provision and any other provisions of the Declaration and/or Bylaws shall be interpreted in favor of this modification regarding signs. The invalidity of any part of the above provision, shall not impair or affect in any manner the validity, enforceability, or effect the remainder of the provision. Upon the recording of this amendment, only Owners of record at the time of such filing shall have standing to contest the validity of the amendment, whether on procedural, substantive or any other grounds, provided further that any such challenge shall be brought in the court of common pleas within one year of the recording of the amendment.

IN WITNESS WHEREOF, MacIntosh Development Corporation and all of the Members of the Board of Directors of MacIntosh Farms Community Association, Inc. have signed this Fifth Supplement this 9th day of August, 2011.

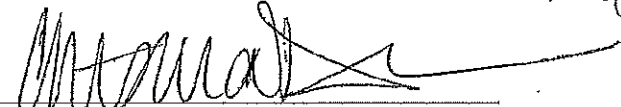
DECLARANT: MACINTOSH DEVELOPMENT CORPORATION,
an Ohio corporation

By: 
NATHAN ZAREMBA, its President

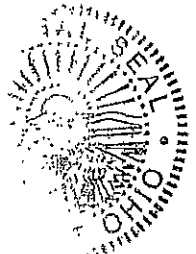
STATE OF OHIO)
COUNTY OF Cuyahoga) SS

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named MacIntosh Development Corporation, by its President, who acknowledged that he did sign the foregoing instrument and that the same is the free act and deed of said corporation and the free act and deed of him personally and as such officers:

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in Cleveland, Ohio, this 9th day of August, 2011.


NOTARY PUBLIC

Place notary stamp/seal here:



CHRISTINA DUNN
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Cuyahoga County
My Comm. Exp. 9/7/14

IN WITNESS WHEREOF, the said MacIntosh Farms Community Association, Inc. has caused the execution of this instrument this 11th day of August, 2011.

MACINTOSH FARMS COMMUNITY ASSOCIATION, INC.

By: [Signature]
JOSEPH JIACHELLO, its President

By: [Signature]
SUZANNE F. YOUNG, its Secretary

STATE OF OHIO)
) SS
COUNTY OF Summit)

BEFORE ME, a Notary Public, in and for said County, personally appeared the above named MacIntosh Farms Community Association, Inc., by its President and its Secretary, who acknowledged that they did sign the foregoing instrument and that the same is the free act and deed of said corporation and the free act and deed of each of them personally and as such officers.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in Sagamore Hills, Ohio, this 11th day of August, 2011.

[Signature]
NOTARY PUBLIC

This instrument prepared by:
KAMAN & CUSIMANO, LLC,
Attorneys at Law
2000 Terminal Tower
50 Public Square
Cleveland, Ohio 44113
(216) 696-0850

